September 2, 2004

BY ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: ET Docket No. 00-258
Ex Parte Presentation

Dear Ms. Dortch:

On Wednesday, September 1, 2004, Michael Ha and I of Nextel Communications spoke with Sheryl J. Wilkerson, legal advisor to Chairman Michael K. Powell, and Bruce A. Franca, Deputy Chief of the Office of Engineering and Technology. We reviewed the attached presentation and discussed Nextel's position that licensees can use the proposed H Block channels without causing harmful interference. Nextel explained that the Commission can adopt reasonable operating parameters to assure that H Block use does not interfere with other licensed operations in adjacent spectrum blocks. Prospective H Block auction participants can and will take these parameters into account in their bidding decisions.

Consistent with section 1.1206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), please include this letter in ET Docket No. 00-258.

Sincerely,

Trey Hanbury

Trey Hanbury
Senior Counsel
Nextel Communications

CC: Sheryl J. Wilkerson, Bruce A. Franca

Nextel Communications, Inc.
2001 Edmund Halley Dr. Reston, VA 20191

H Block: Alleviating Spectrum Scarcity While Protecting Incumbent Licensees

Nextel Communications
Presentation to the Federal Communications Commission

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H Block Moves Spectrum to Market

- Spectrum scarcity remains a critical problem for all wireless carriers.
  - Verizon Wireless 10-K dated as of March 12, 2004: “we anticipate that we will need additional spectrum to meet future demand . . . ”
  - Cingular Wireless 10-K dated as of February February 24, 2004: “We anticipate needing access to additional spectrum . . . throughout our network to provide full 3G services . . . ”
- The answer: “Auction it, get it out of the way, and let the market drive technology deployment” – Bill Stone, Executive Director of Network Strategy, Verizon Wireless, FCC Wireless Broadband Forum, May 19, 2004
- Allocating an H Block for PCS use will help alleviate the chronic spectrum shortage, provided that there are sufficient protections for incumbent licensees.

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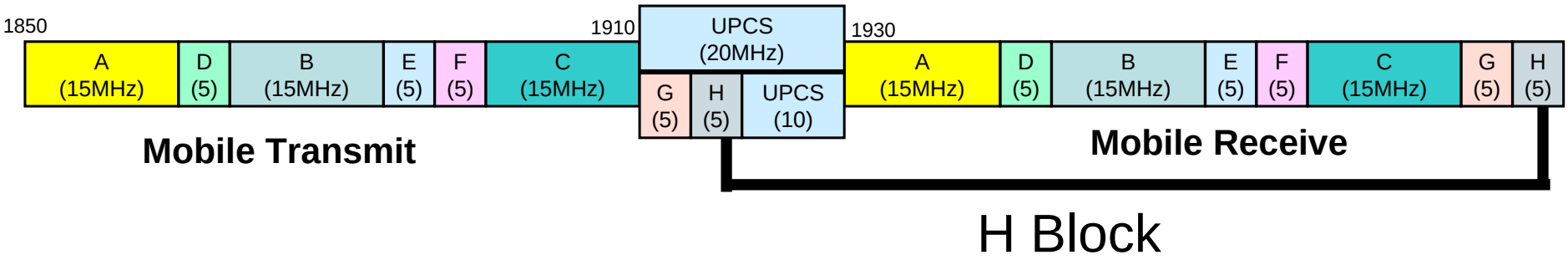
H Block Overview



- H Block is 10 MHz (5 MHz x 5 MHz) of paired spectrum at 1915-1920 MHz and 1995-2000 MHz
- H Block spectrum would be subject to constraints to protect A Block at 1930-1945 MHz and MSS and MSS ATC at 2000-2020 MHz

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H Block Promotes Competition

- Recent filings from both T-Mobile Communications and Agilent Technologies support Nextel's position that licensees can use the H-Block frequencies today without creating harmful interference to incumbent licensees.
  - T-Mobile has concluded that an H Block allocation is feasible with appropriate technical rules.
  - Agilent Technologies has confirmed the limited potential for interference to other operators in the PCS band.
- Rather than allow the spectrum-rich incumbents at CTIA to keep competition at bay, the Commission should move spectrum to market and accommodate the burgeoning demand for PCS.
  - Reasonable service rules are necessary to ensure incumbents are protected from potential interference.
  - An "anything goes" approach is unwarranted, but any limits must rely on a rational, fact-based standard consistent with the Commission's longstanding practices for protecting the PCS bands.
  - Potential licensees can reduce their bid amounts by the value of any constraints necessary.

Protecting Against Interference

- None of the possible interference scenarios at H Block are new or unusual; they should not pose a problem for either new entrants or the incumbent licensees.
  - Precisely the same types of issues exist in today's PCS and SMR bands.
  - Even CTIA has apparently recognized the gross error of its earlier position that "nothing can be done" about possible interference scenarios.
  - Interference is highly unlikely; even if this were not the case, however, relatively modest constraints common to the PCS bands can ensure interference-free operation.
- While encumbrances may constrain potential use of the H Block somewhat, bidders can simply figure the value of these encumbrances into their auction bids and reduce their bids accordingly.

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Mobile-to-Mobile Scenario

- Mobile-to-mobile interference could only occur if all of the following events happened simultaneously:
  - The interfering mobile transmits at maximum power; and
  - The victim mobile operates at maximum sensitivity (because it receives poor coverage); and
  - Both the victim and interfering mobile are simultaneously active; and
  - Both victim and interfering mobiles are in close proximity (one meter or less).
- The highest probability locations where mobile-to-mobile interference might occur, such as train stations, airport lounges, and stadiums, are also the lowest probability locations to have the type of poor coverage that remains a necessary precursor for potential mobile-to-mobile interference to exist in the first instance.
- None of the claims of potential interference account for much more forgiving real-world conditions that come from, among other things, body blockage/body loss; actual separation distance; and atmospheric attenuation.

Other Possible Considerations

- With today's technology, Agilent can manufacture a partial-band duplexer that includes H Block with out-of-band-emissions performance identical to the duplexers used in existing PCS handsets.
- While Agilent cannot produce with today's technology a full-band A-H Block duplexer, a prospective H Block licensee can simply use a second duplexer and discount their auction bids by the cost of this additional hardware.
- Nothing is unusual about using a partial-band duplexer.
  - The initial PCS handsets were designed with two duplexers and the current dual-band handsets also include two duplexers.
  - While H Block may initially require two duplexers, technology continues to advance and should permit a single, full-band duplexer over time.

Summary

- Carriers have managed various types of interference issues for years without difficulty.
- The additional "testing" that CTIA now demands is an attempt at delay.
  - CTIA's proposed "tests" ignore the exceedingly low probability that all of the events necessary to create a potential interference scenario would actually happen simultaneously.
- H Block is entirely feasible for PCS use and does not present any new or novel issues that carriers and manufacturers have not solved before.
  - Any interference issues are, at most, variations on existing situations.
  - Carriers can manage these issues with reasonable service rules and standard industry practices.